DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL-L-93]

Wyle Laboratories, Inc.; Application for Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the application of Wyle Laboratories, Inc. (Wyle), for renewal of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency’s preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application.

DATES: Comments submitted by interested parties must be received no later than May 5, 2000.

ADDRESSES: Send comments concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program at the above address, or phone (202) 693-2110.

Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that Wyle Laboratories, Inc. (Wyle), has applied for renewal of its current recognition as a Nationally Recognized Test Laboratory (NRTL). Wyle requests renewal for its existing scope of recognition.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in § 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgement that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition, and is not a delegation or grant of government authority. As a result of recognition, OSHA can accept products “properly certified” by the NRTL.

OSHA processes applications related to an NRTL’s recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish this public notice of the preliminary finding on an application.

The most recent notices published by OSHA for Wyle’s recognition covered an expansion of recognition for additional test standards and programs, which OSHA announced on July 12, 1996 (61 FR 36764) and granted on November 20, 1996 (61 FR 59115). The only other notices that OSHA has published for Wyle covered its initial recognition, which OSHA announced on January 6, 1994 (59 FR 783) and granted on July 22, 1994 (59 FR 37509). The renewal would incorporate all recognitions granted to Wyle through the date of publication of this preliminary finding.

The current address of the Wyle facility recognized by OSHA is: Wyle Laboratories, 7800 Highway 20 West, P.O. Box 077777, Huntsville, Alabama 35807.

General Background on the Applicant and the Application

Wyle has submitted a request, dated August 19, 1998 (see Exhibit 15), to renew its recognition as an NRTL. The letter requested renewal for its existing scope of recognition, which includes the facility listed above, and 122 test standards and 8 supplemental programs. However, some of the test standards for which Wyle is currently recognized have been withdrawn by the standards developing organization. As appropriate, OSHA has eliminated or replaced these test standards in the list shown below.

Wyle was first recognized as an NRTL in 1994 and, at the time, it was part of Wyle Laboratories, a publicly-held corporation first established in 1949. In 1995, Wyle informed OSHA (see Exhibit 13) that it had become a “privately held company incorporated in the State of Delaware.” The “new” company name was also “Wyle Laboratories.” In 1997, the NRTL informed OSHA of the sale of its “Electronic Enclosures Division,” and requested that OSHA remove a condition that the Agency had imposed in the notice of Wyle’s recognition. This condition excluded from the recognition any testing and certification of an “enclosure cabinet manufactured or distributed by Wyle.” OSHA granted this request on January 16, 1998 (63 FR 2700).

Test Standards

Wyle seeks renewal of its recognition for testing and certification of products to demonstrate compliance to the following one hundred thirty nine (139) test standards, all of which OSHA has determined are appropriate, as prescribed by 29 CFR 1910.7(c). As mentioned, some of these standards are substitutes for the test standard that OSHA originally recognized for Wyle. As is the case for any NRTL, Wyle’s recognition for a particular test standard is limited to equipment or materials (i.e., products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, OSHA’s recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test standard, for which OSHA has no such requirements.

ANSI/UL 8  Foam Fire Extinguishers
ANSI/UL 20  General-Use Snap Switches
ANSI/UL 22  Amusement and Gaming Machines
ANSI/UL 44  Rubber-Insulated Wires and Cables
ANSI/UL 45  Portable Electric Tools
ANSI/UL 48  Electric Signs
ANSI/UL 62  Flexible Cord and Fixture Wire
ANSI/UL 65  Wired Cabinets
ANSI/UL 67  Panelboards
ANSI/UL 73  Motor-Operated Appliances
ANSI/UL 83  Thermoplastic-Insulated Wires and Cables
ANSI/UL 92  Fire Extinguisher and Booster Hose
ANSI/UL 98  Enclosed and Dead-Front Switches
ANSI/UL 153  Portable Electric Lamps
ANSI/UL 154  Carbon-Dioxide Fire Extinguishers
ANSI/UL 187  X-Ray Equipment
ANSI/UL 198B  Class H Fuses
ANSI/UL 199C  High-Interrupting-Capacity Fuses, Current-Limiting Types
ANSI/UL 198D  Class K Fuses
ANSI/UL 198E  Class R Fuses
ANSI/UL 198F  Plug Fuses
ANSI/UL 198G  Fuse for Supplementary Overcurrent Protection
ANSI/UL 198H  Class T Fuses
ANSI/UL 198I  DC Fuses for Industrial Use
ANSI/UL 244A  Solid-State Controls for Appliances
ANSI/UL 299  Dry Chemical Fire Extinguishers
ANSI/UL 363  Knife Switches
ANSI/UL 393  Indicating Pressure Gauges for Fire-Protection Service
ANSI/UL 429  Electrically Operated Values
UL 444  Communications Cables
ANSI/UL 466  Electric Scales
ANSI/UL 467  Grounding and Bonding Equipment
OSHA has submitted an acceptable request for renewal of its recognition as an NRTL in connection with the request, OSHA performed an on-site assessment (review) of Wyle’s facility in Huntsville, Alabama, on August 3–5, 1999. Discrepancies noted by the assessor during the on-site review were addressed by Wyle following the on-site evaluation and are factored into the recommendation in the non-site review report (see Exhibit 16).

Following a review of the application file, the on-site review report, and other pertinent documents, the NRTL Program staff has concluded that OSHA can grant to Wyle the renewal of its recognition as an NRTL to use the facility, test standards, and programs, listed above, with any limitations to be applied as noted. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the Wyle Laboratories, Inc., can meet the requirements, as prescribed by 29 CFR 1910.7, for renewal of its recognition, subject to any limitations described above. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether Wyle has met the requirements of 29 CFR 1910.7, for renewal of its recognition as a Nationally Recognized Testing Laboratory. Your comment should consist of pertinent written documents and exhibits. To consider a comment, OSHA must receive it at the address provided above (see ADDRESS), no later than the last date for comments (see DATES above). You may obtain or review copies of Wyle’s request, the on-site review report, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL–1–93, the permanent record of public information on the Wyle recognition.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, recommend whether to grant Wyle’s application for renewal of recognition. The Assistant Secretary will make the final decision on granting the renewal and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR Section 1910.7. OSHA will publish a public notice of this final decision in the Federal Register.

Signed at Washington, DC this 18th day of February, 2000.

Charles N. Jeffress,
Assistant Secretary.